IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 12285 of 2007(K)

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PETITIONER:

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K.BALAKRISHNAN NAIR,
CONDUCTOR GRADE II (RTD.), VIKAS BHAVAN DEPOT,
RESIDING AT NJANDOORKONATHU PUTHEN VEEDU,
NJANDOOR KONAM, CHEMPAZHANTHY P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF TRANSPORT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

R1 BY GOVT. PLEADER SMT.T.B.REMANI
R2 BY ADV.SRI.JOHNSON P.JOHN - SC FOR KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J**

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**W.P.(C) .12285 OF 2007**

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**Dated this the 10th day of April, 2007**

**JUDGMENT**

Sri.Johnson P.John, standing counsel takes notice on behalf of the Kerala State Road Transport Corporation. Heard Sri.Murali Purushothaman, counsel for the petitioner and Sri.Johnson P.John standing counsel.

2. The issue, as correctly submitted by the learned counsel for the petitioner, is covered by the judgment of a Division Bench of this court in **Idicula Abraham** v. **Kerala State Road Transport Corporation {2005 (3) K.L.T. SN 67}.**

3. Therefore, this writ petition will stand allowed. There will be a declaration that the petitioner is entitled to count the provisional service rendered by him up to 1.10.1994 for the purpose of pensionary benefits along with the regular service. There will be a direction to the first

respondent to disburse all the retirement benefits including pension and commuted value of pension and D.C.R.G by reckoning the service rendered by the petitioner as a provisional employee of the Corporation along with his regular service. The corporation will release to the petitioner monthly pension and arrears of monthly pension which falls due as a consequence of the above declaration, at the earliest and at any rate, within six weeks from today. Since Ext.P11 will show that the petitioner is a patient of Cancer and is undergoing treatment in the Regional Cancer Centre, Thiruvananthapuram, there will be a direction to the respondents to release to him his D.C.R.G out of turn, within a period of one month from the date of receipt of a copy of this judgment. The DCRG amount will be released by means of an instrument drawn in favour of Regional Cancer Centre, Thiruvananthapuram. But the commuted value of

pension will be released only when his turn as per the guideline framed pursuant to the judgment in W.A.No.289/01.

Sd/-
**PIUS C. KURIAKOSE**
**(JUDGE)**

**sk1/-**

//true copy//

P.S. to Judge.

**PIUS C. KURIAKOSE, J**

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**W.P.(C) .12285 OF 2007**

**JUDGMENT**

**10th April, 2007**

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